

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, January 16, 2014, 7:00 PM

The Chair called the meeting to order at 7:02 pm.

1. Roll Call

Present: Chairman Dean Naylor, Lucien Benoit, Art Bassett, and Gene Simone. Absent: Mali Jones and Cynthia Roberts. Also present were Town Planner Robert Ericson and Town Solicitor James Lombardi III.

2. Minutes of December 5, 2013

Dr. Benoit pointed out an error on page 3: 'hundred flood' should be changed to 'hundred-year flood'. No other errors were listed. Dr. Benoit made a motion to approve the minutes of December 5, 2013 as amended. Mr. Simone seconded with all in favor.

3. Disclosure: This is the point where anyone can disclose potential conflicts related to matters before the Board.

Mr. Naylor disclosed that ten years ago he purchased an automobile for himself and his wife from what is now Anchor Nissan Subaru. He indicated that he bought the car and has it serviced there and is not given any special consideration. Mr. Ericson said that he went a Nissan Leaf event at this dealership and received a very good water

bottle.

**4. Preapplication: Major Land Development: Anchor Subaru
Owner/applicant: Benoit Realty LLC, 949 Eddie Dowling Highway
Assessor's Plat 17,, Lots 14, 16, 80, 84, 85, 142, 167 & 231
Zoning: RS and BH, with proposed changed from RS to BH for lot 14.**

Attorney David Iglioizzi was present representing applicant Mr. Robert Benoit owner of Anchor Subaru who could not attend. Two of Mr. Benoit's brothers, co-owners of the property were present at the meeting. Mr. Iglioizzi was attending for the pre-application as well as to obtain the Planning Board recommendation to the Town Council for a possible zoning change on lot 14 and also for a vote of consistency with the Comprehensive Plan.

Mr. Ericson stated that the Planning Board attended an hour long site visit at the Anchor Subaru site on Saturday, January 11, 2014. The meeting was posted properly and a quorum was present. Dean Naylor, Mali Jones, Art Bassett, Gene Simone and Bob Ericson participated in the site visit with Mr. Benoit. Several abutters attended the site visit also. Mr. Casali discussed the work to be done and focused on the area of transitional restriction, the buffer between abutters' properties and the applicants' property.

Mr. Joe Casali, professional engineer of Casali Engineering was the first witness and did a PowerPoint presentation filed as Exhibit 1.

Anchor Subaru is at the intersection of Route 146 (Eddie Dowling Highway) and Old Sayles Hill Road. The property is composed of ten lots zoned RS and BH with their zoning division line running through the property. The two businesses on the combination of lots are the Anchor Nissan dealership and the Anchor Subaru dealership. As it exists today, there are some very steep slopes and wetlands on the property as identified by Scott Rabideau, wetlands consultant from Natural Resource Services. All wetlands are less than three acres, so they carry no jurisdictional buffer. There is also a new detention pond through which water runs, ultimately into a box culvert under the highway with the water flowing in an east to west direction. There is no public water supply in the area.

Mr. Casali is proposing a new 33,500 square foot Anchor Subaru dealership with a possible expansion of 10,000-24,000 square foot built into the plan. In the rear of the building, Mr.Casali is proposing a 35-foot no-cut buffer to be put into a conservation easement and a 25-foot landscaped buffer. The landscaped buffer will be designed by landscape architect Diane Soule, and will provide dense deer-resistant plantings.

In back of the new building there will be inventory parking. If one looks from an abutter's property toward the site of the new building, first there will be the 35 no-cut buffer and then the 25 foot landscaped buffer will be two staggered 10-foot walls. Because of the drop in elevation, from the neighbors view, the light poles will not be visible,

and they should be able to look right over the site. There will be a 25 foot wide gated right-of-way for emergency vehicles only. Another building, approximately 10,000 square feet, will be used for storage of snow removal vehicles.

Eleven parking places for customers of Anchor Subaru will be on the side of the buiding along with thirty more spots in front of overhead doors leading to the garage. A children's playground and two dog parks will also be located on the property. If Nissan requires an expansion, Anchor will add to the existing Nissan building.

The distance from the existing dwellings to the proposed site range is from 97 to 270 feet. The distance including the buffer increases the distance another 60 feet. No homes will be closer than 157 to 330 feet from the nearest structure.

The applicant is here to ask for a zoning change recommendation for Plat 17 lot 14 from RS to BH. Lot 138 will remain zone RS. Drainage will be collected into best management practices (BMPs) and into the newly constructed pond and all stormwater runoff will be subject to review by the Town and DEM.

The schedule for the project at this point includes appearing before the Town Council on January 21, 2014, obtaining permits from DEM for wetlands and septic, getting a physical alteration permit from RIDOT, and consultation with fire chief for placement of a cistern near

the emergency access road.

Mr. Igliozi said the buffering elements were negotiated and agreed upon with one abutter but benefit all abutters. The landscape plan is designed to maximize screening for the neighbors.

Mr. Thomas Sweeney, a real estate expert appeared before the Board and reviewed his resume and qualifications. His resume was entered as Exhibit 2. Mr. Sweeney said that he had been asked by Mr. Benoit and Mr. Igliozi to determine the impact of the new construction, if any, on the neighborhood. In Mr. Sweeney's professional opinion there will be no negative impact on the use or enjoyment of the abutting properties or the property values.

Diane Soule of Diane Soule & Associates, a landscape architect for 38 years was present to explain the landscape plan, entered as Exhibit 3. The buffer as it exists today is sparse, especially in winter. The 35-foot no-cut buffer zone will be planted. The 25 foot landscape buffer will be next to that and then two 10 foot tiered walls to accommodate the steep grade change. The upper wall buffer will have evergreen plant materials. White Spruce, American Holly, and evergreen shrubs were chosen because they are deer resistant. The White Spruce will grow 40-60 foot tall, American Holly 15-30 feet high, and shrubs 6-10 feet. This will provide a continuous evergreen buffer.

Mr. Igliozi submitted the habitat assessment report written by Scott Rabideau as Exhibit 4. Mr. Casali stated some facts from the report. He said that Mr. Rabideau has also identified all of the freshwater wetlands on the proposed site and will be onsite to do other evaluations as the basis of the septic design.

Mr. Igliozi submitted the agreement between the abutter and the applicant as Exhibit 5. Mr. Mark Krieger is representing an abutter.

Planning expert Ed Pimentel appeared before the Board and submitted his resume and report as Exhibit 6. His task was to find the plan consistent with the Comprehensive Plan and Zoning Ordinance. He explained that Corporate Subaru mandated new requirements and to meet these requirements, the dealership needed a larger area. Mr. Pimentel explained that to make a zone change, it has to be consistent with Comprehensive Plan. There is no way to meet the corporate requirements with the 6 acres that are currently zoned BH, and there is a need to rezone some of the RS zoned area to BH.

The zoning delineation done in North Smithfield differs from other towns because the zones are delineated following the lot lines, not some distance back from the street. This property is 10.8 acres zoned RS. It would be possible to use transitional zoning where there is protection for the residential area and would be beneficial to the property owner. The Town Council use restrictions to create

transitional zoning.

It is Mr. Pimental's professional opinion that if the applicant stays with the plan and creates transitional zoning, this project will be consistent with Comprehensive Plan.

He also said being in the surface watershed for a reservoir in Smithfield, they are limited to 40% impervious surface. Mr. Ericson would like them to use porous pavement and limit the use of impervious surfaces.

Mr. Simone asked Mr. Iglioizzi if the applicant is dealing with abutters in a group or as individuals. Mr. Iglioizzi responded that Mr. Benoit will work with any abutter, individually if needed, through all phases of the project. Mr. Iglioizzi said that the density of the buffer is what provides the screen between the properties and what matters to the abutter, not the width.

Mr. Ericson expressed concern about the cut and fill balance. He stated that it is important to achieve a balance or near-balance. The Town is very conscious of earth extraction, and it could be problematic to ask for a variance for extraction. It would be better to minimize the cut. Mr. Casali stated that the cut is planned to allow the building and the light posts to be below residential grade, not visible to the abutters. He also said that not all the material being cut will be removed from the site; some will be used for base, infiltration and

walls. Mr. Casali stated that material will also be reused for impervious surfaces.

Mr. Ericson asked about the noise during construction and said it would be helpful if they staged the buffer to go in before the earth cutting begins. Mr. Casali said that seems reasonable. They will also be implementing drainage before construction as well.

Mr. Simone asked how mature the plants and shrubs will be. Ms. Soule stated that the White Spruce will be 5-6 feet tall, holly shrubs will be 4-5 feet, and shrubs will be 30-42 inches tall at installation. Mr. Simone asked how long it will take the vegetation to be a significant buffer. Ms. Soule responded that the White Spruce would be beneficial immediately; the American Holly in 1-2 years and the shrubs would provide an effective buffer in 3-4 years. Mr. Ericson asked how long before a buffer of 90% opacity is reached. Ms. Soule responded that this would require more research.

Dr. Benoit wanted to know the location of the existing well. Mr. Casali pointed to them on the plan and said they will be drilling new wells. The plan is to maximize the distance from the infiltration of the septic systems and from roadway because of salt and sand. All abutting wells will be shown on the final plan to show achievement of maximum distance.

Mr. Bassett asked about placement of impervious and pervious

pavement. He has concerns about the upkeep and filling up of pores on pervious asphalt due to sanding. Mr. Casali pointed to where impervious pavement will be. He explained the importance of pervious pavement.

Mr. Bassett referred to the footprint of the proposed building, and asked where the service area will be. Mr. Casali explained that there will be parking on the side next to the showroom and entrance to bays behind that, entering on the side of the building. Mr. Bassett was concerned that if there is an opening in rear of building noise will be created that the neighbors will hear. Mr. Michael Keefe, superintendent of construction and project manager, explained the ingress and egress from the sides of the building. The plan is for cars to enter one side of the building and exit the other side, not in the rear. The opening in the rear will be for cars being put in for storage only.

Mr. Naylor asked about safety fencing on the walls for people and animals. Mr. Casali stated that safety fencing or landscaping is required by law. The plan is to use something aesthetically pleasing, possibly a cedar fence.

Mr. Naylor asked for an estimation on the amount of blasting that will be necessary. Mr. Casali said the engineers need to find out where ledge is located. He expects to find a lot but they want to limit blasting because of cost. When asked about what the blasting

engineers plan to do for wells and structures of abutters' houses and the potential negative effect on neighbors, Mr. Casali stressed the importance of the pre-blast survey

Mr. Naylor stated that on the site walk he noticed deer droppings and deer paths. He asked that this be considered because of the possible repercussions. Mr. Casali was aware of the deer population and has seen the evidence.

The discussion returned to the subject of zoning, and Mr. Ericson recommended the change to the zoning on the property. The Comp Plan did not evidence a good understanding of transitional zoning. In the 2015 update to the Comp Plan, transitional zoning with restrictions will be emphasized.

There are several abutters present in the audience. Mr. Ericson stated that in the past at pre-application meetings, the audience members were permitted to speak, but the Board could not respond. The Board agreed to let the audience members speak.

Mark Krieger, attorney representing abutter Gail Christie of 158 Sayles Hill Rd went to the abutters meetings and went to the site walk. He believes Ms. Christie's concerns are similar to the other abutters concerns. Ms. Christy's concerns were discussed with Mr. Igliozzi and Mr. Benoit. One of the concerns was that the upper property right-of-way would be used by tractor trailers. The applicant

has agreed to drastically reduce the egress and allow only emergency vehicles. Another concern is the visual impact on the homeowner because at this time the buffer is not dense. He explained that the plan takes density into account and the evolving landscape plan. He stated that it is not the width of the buffer; it is what is in it that will determine what the owner will see.

The third concern was light spillage. The inventory area is adjacent to the abutters. The negotiated plan incorporates lighting into walls with minimal spillage onto adjacent properties.

Concern four is the noise from the loud speakers on the property used to summon personnel. The applicant has agreed that no speakers will be used. The fifth and final abutter concern was the future use of the property. For example, what happens if Mr. Benoit sells the property? If the zone changes are made, will this impose restrictions on the use? The Board needs to be cognizant of this and include it in any proposal going to the Town Council.

Donna Macksoud of 134 Sayles Hill Rd. has been attending the abutters meetings. She stated that Mr. Benoit has been very open, has explained the plan all along and is willing to negotiate. Ms. Macksoud wanted to stress that if the no cut buffer could be expanded it would lessen the impact on the property values and the disturbance of wildlife.

Lou Phaneuf of 138 Sayles Hill Road, an abutter, stated that the traffic

increase was his concern. He said that the intersection of Sayles Hill Rd and Rt 146 is bad right now and he questions whether it can handle the increase in traffic with a dealership of this size.

Gary Ezovski 88 Main St came forward to state that North Smithfield is known for saying no to new projects. He is proud of the Town for working to accept a plan for a viable business, and he thanked the Planning Board for their work and for working with the neighbors.

Mr. Igliozi stated that the traffic engineer did not have his report ready. The engineer understands the importance of that report and will get it to the Board when it is completed.

5. Proposed zoning map amendment: Plat 17, Lot 14 from RS to BH. Discussion, vote or other actions regarding consistency with the Comprehensive Plan. The Board may vote additional recommendations under local ordinance

Mr. Naylor asked about a timeline. The applicant would be going before the Town Council on January 21, 2014 and then will return to the Planning Board with the Preliminary Plan at a future date.

Mr. Naylor clarified that with the applicant's petition as it stands, there is a problem with consistency with the Comp Plan.

Dr. Benoit made a motion to find the Anchor Subaru pre-application

proposal consistent with the Comp Plan with appropriate transitional restrictions because it is consistent with section F 4.6 to retain the existing industry and business; section F5.0, Economic Development element of the Comp Plan is consistent with applicable State Guide Plan elements; F4.0, each element calls for aggressive plan to attract new commercial development to North Smithfield and suggests measures to assure retention of existing businesses. It encourages commercial development that will result in quality job opportunities, and F1.0, an expansion of the non-residential tax base.

Mr. Bassett seconded. Vote was taken. Yes: Mr. Naylor, Mr. Bassett, Dr. Benoit, Mr. Simone. Nay: none. Motion passes 4-0.

Mr. Bassett made a motion that the Board recommends to the Town Council the following restrictions as seen in Exhibit 5, to create a transitional area:

- 1) No additional noise will be created by the use of outdoor speakers**
- 2) The photometric (lighting) plan will make every attempt to minimize “spillage” onto the neighbors’ properties.**
- 3) Gated access road to be restricted to emergency access only**
- 4) No increase in stormwater runoff to any abutting properties**
- 5) Applicant will focus on high-performing buffer with 90% opacity**

Dr. Benoit seconded the motion. Vote was taken. Yes: Mr. Naylor, Mr. Bassett, Dr. Benoit, Mr. Simone. Nay: none. Motion passes 4-0.

Dr. Benoit made a motion to recommend to the Town Council the approval of the zone change from RS to BH with the appropriate transitional restrictions. Mr. Simone seconded. Vote was taken. Yes: Mr. Naylor, Mr. Bassett, Dr. Benoit, Mr. Simone. Nay: none. Motion passes 4-0.

At 8:56 pm Mr. Bassett made a motion to take a five minute recess. Dr. Benoit seconded with all in favor.

6. Site Plan Review: NextSun Preliminary Plan

Owner/Applicant: NextSun

Location: 590 Great Rd

Assessor's Plat 5, Lot 479 Zoning: M (Manufacturing)

Proposed solar PV array adjacent to the Brickle manufacturing complex

Mr. Jake Laskin, president and founder of NextSun Energy, presented the proposed solar panel installation at the Brickle building at 582 Great Rd. He stated there will be 442 steel posts with no concrete foundations. There are wetlands on the property and the Branch River. NextSun has submitted wetlands permits to RIDEM and hopes to have them in 1-2 weeks. The project will not be creating any impervious surfaces. The rainwater falls through the gaps between the panels onto the ground below. There will be no changes to the grading of the property and the site is almost flat. The hedgerow will

be cut back in corner of site to allow for the panels.

Dr. Benoit asked if this is a net metering project. Mr. Laskin responded no. This is a direct power sale to National Grid. Dr. Benoit asked Mr. Ericson how that fits with zoning. This falls into a manufacturing zone and all they need is a special use permit.

Mr. Bassett asked if this would be visible from Great Road. Mr. Laskin said that because it is set so far back and at a lower elevation, it will not be visible from Great Road.

Mr. Naylor made a motion to accept the Preliminary Plan contingent upon NextSun obtaining:

- Special use permit from the Zoning Board of Review**
- All necessary RIDEM permitting**

Mr. Bassett seconded the motion, and a vote was taken. Yes: Mr. Naylor, Mr. Bassett, Dr. Benoit, Mr. Simone. Nay: none. Motion passes 4-0.

7. Capital Budget: School Department, Police Department, Finance. Discussion, vote or other action on Capital Budget requests.

Mr. Ericson stated that the Capital Budget plan recommendations must be delivered to the Town Council by March 15.

Superintendent Steven Lindberg began the presentation by explaining the foundation for the present capital proposal. In 2008, an RFP was issued and RGB, an engineering/architectural firm was chosen to evaluate the existing conditions of the schools and to propose solutions. RGB recommended significant improvements to the boilers, insulation and lighting to high school allowing for a cost savings.

Mr. Eric Butash, Director of Technology for North Smithfield schools and Ms. Clare Arnold, Director of Curriculum presented the need for capital in the area of technology. All Rhode Island schools are transitioning to new standards, and technology is imbedded within it. For example, the 6th grade writing requirement will include such things as keyboard skills and the ability to collaborate using the latest technology. With the educational standards changing, testing is changing. The new standard testing is completed online.

Mr. Butash explained that the current technology at the school is old and has been run into the ground. The teacher's technology is no longer reliable and repairing the machines is problematic.

Mr. Butash believes yhat there cannot be down time with the technology in the schools. The new testing requires computers. The computer lab is currently the only place where students can use computers. The everyday use of the computers does not allow enough time for the standardized testing use of the computers in the lab. There is a need for more technologies. The teachers need the

technology to meet the needs of the teacher assessments. He is proposing the use of a leasing program

There are three different technologies Mr. Butash is reviewing:

- 1) 100 age-appropriate IPADS at the elementary school,**
- 2) The use of Chrome books at Halliwell**
- 3) 250-450 new laptops between the middle school and the high school. In the middle school, the teachers will work in teams, each team getting a cart of laptops. In the high school, each subject will get a cart of laptops for use by students in the classroom.**

Mr. Butash stresses that technology is as important as electricity.

Discussion ensued about the use of Apple vs MS Word and the students bringing their own IPADS to school. Mr. Butash explained that Google Cloud will be used for email, excel, and other collaboration tools. Ms. Arnold said the Apple applications are high quality and of better use for the elementary school students.

Mr. Bassett asked about leasing the equipment versus buying it. Mr. Butash suggests leasing because the schools will be staying with the most current technology. Also leasing includes maintenance and extended warranties. There would be a four-year cycle for replacement.

Mr. Naylor asked why leasing is in capital budgeting instead of

operating expenses. Mr. Ericson stated that leasing goes into operational while lease/purchase for anything with a useful lifetime of five years goes into capital costs. He will review this with the finance director.

Facilities Manager Anthony Kopacz, spoke about the facilities and the need for repairs and storage. There are electrical problems at Halliwell that require attention every year and this needs to be replaced by an engineer. Building 10 at Halliwell and building 11 (cafatorium) will be used for storage of paper and cleaning products.

Dr. Benoit made a motion to continue the meeting until 10:30 pm. Mr. Simone seconded with all in favor.

Mr. Kopacz is also proposing the purchase of 67 Motorola radios to be used by the crisis team in times of emergency. Their current radios do not work and need to be replaced. Mr. Naylor asked if the 67 radios were for all three schools. Mr. Kopacz answered they are not, Halliwell is taken care of. The radios would be used by the crisis team members, including principal, vice principal, nurses and staff that are trained. He believes this will provide enough radios to cover the schools in case of emergency.

Mr. Kopacz is also requesting a new truck with a plow to replace one truck that will not pass inspection and is rotted out from the sand and salt. All of his other trucks are in reasonable shape.

Mr. Simone asked about the possible collaboration with the Town DPW staff and mechanic. Mr. Kopacz said that they use Tasca for repairs because they will come to the schools and maintain the trucks.

Mr. Kopacz went on to explain what is necessary to keep Halliwell School running for another year including cesspools, a new roof and updates to the lab and lavatories in the high school.

The Public Utilities Task Force is reviewing the RGB study of building rehab and reuse. The larger question is how the bond issue will interact with the capital budget.

Mr. Naylor told the Board that their task is to prioritize the capital budget requests. He asked Mr. Lindberg and Mr. Kopacz to come back to the Planning Board if any information is updated or there is a shift in their priorities.

Discussion ensued about the current state of the school buildings and the testing that is done or needs to be done to protect the students.

At 10:30 pm, Dr. Benoit made a motion to extend the meeting for five minutes to allow the Board to wrap up the meeting. Mr. Bassett seconded with all in favor.

Mr. Kopacz told the Board that if anyone would like to go on a walk-through of the schools that he would accommodate them.

Mr. Naylor reminded the Board of the frightening current events taking place in schools around the country, including the University of Rhode Island. He stressed the importance of looking at the Columbine-type issues and prioritizing the safety in our schools.

Dr. Benoit suggested inviting the school department to appear again before the Planning Board on February 20. The Board members agreed.

8. Planning Update: Mr. Ericson quickly noted that Valley Alliance withdrew their appeal in regard to Dowling Village.

9. Adjournment: Mr. Simone made a motion to adjourn at 10:35 pm. Mr. Bassett seconded with all in favor.

The next Planning Board meeting will be February 6, 2014.

Submitted by Bobbi Moneghan, January 30, 2014.